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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 Richard Banda,
11 Petitioner,
12 v.
13 Calvin Johnson, *et al.*,¹
14 Respondents.

Case No. 2:19-cv-00989-KJD-VCF

**Unopposed Motion for an
Extension of Time to File Reply to
Answer**

(First Request)

16 Petitioner Richard Banda asks this Court to enter an Order extending his
17 deadline for filing his Reply to Answer from April 21, 2022 by 60 days, up until June
18 20, 2022. This is Banda's first request for an extension. Respondents do not oppose
19 this request.
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25 ¹ The caption has been modified to reflect Calvin Johnson as the current
26 warden of High Desert State Prison. *High Desert State Prison (HDSP)*, State of
Nevada Department of Corrections, available at
https://doc.nv.gov/Facilities/HDSP_Facility/ (last visited Apr. 20, 2022). The proper
respondent to a habeas petition under § 2254 is "the person who has custody over
[the petitioner]." 28 U.S.C. § 2242.

POINTS AND AUTHORITIES

On August 6, 2020, Banda filed his Second Amended § 2254 Petition.² On March 30, 2022, Respondents filed their Answer to Banda's petition.³

Counsel has been diligently working on Banda's reply to Respondents' Answer. Based on Respondents' Answer, Counsel for Banda has been working to obtain a Declaration from Banda. Accordingly, Banda requests a 60-day extension to file his Reply to Answer by June 20, 2022.

On April 20, 2022, counsel for Respondents, Deputy Attorney General Gerri Hardcastle, indicated by email that Respondents do not oppose this request with the understanding that Respondents' lack of objection is not waiver of any procedural defenses or statute of limitations challenges or construed as agreeing with the accuracy of the representations made in this Motion.

Dated April 20, 2022.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/Ron Sung
RON SUNG
Assistant Federal Public Defender

IT IS SO ORDERED:



United States District Judge

Dated: 4/22/2022

² ECF No. 27.

³ ECF No. 51.